

(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.  
IN THE HIGH COURT OF BOMBAY AT GOA  
APPELLATE SIDE

WRIT PETITION NO. 669 OF 2003

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Office Note, Office Memoranda  
of Quorum, appearances, Court's  
orders or directions and  
Registrar's orders.

Court's or Judge's Orders

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Shri S. D. Lotlikar, Senior  
Advocate with Ms. Shambhavi Dessai,  
advocate for the petitioners.

Shri D. Pangam, advocate for  
respondent no.1.

Shri S. R.Rivankar, Government  
Advocate for respondent nos.2 and 3.

CORAM : D. G. KARNIK, J.

DATE : 25th March, 2004

P.C.:

By this Writ Petition the  
petitioners challenge the  
interlocutory Order passed by the  
trial Court as confirmed by the  
First Appellate Court. After  
considering the evidence on record,  
the Courts below have concurrently  
held that the respondents were in  
possession of the suit premises. It  
is also the case of the petitioners  
that the respondents were in use of  
the suit premises, i.e. Shop no.31,  
though, according to them, on leave

and licence basis. Whether the possession of the respondents was as a lessee or as a licensee is immaterial for the purpose of considering the interlocutory relief. The petitioners cannot take the law in their own hands and unlawfully dispossess the respondents by putting a lock on the premises. In the circumstances, I find no reason to interfere with the concurrent order passed by the courts below.

However, relief would have to be conditional upon the respondents agreeing to pay initial licensee fee of Rs.18,000/- per month from the date on which the keys are handed over by the petitioners to the respondents. Subject to this clarification, the petition is dismissed.

D. G. KARNIK, J.

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